

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

UNITED STATES OF AMERICA

v.

SENTENCING MINUTES

DARRIN S. MCELHATTON

Case No. 20-CR-121

HONORABLE WILLIAM C. GRIESBACH presiding
Proceeding Held: May 20, 2021
Deputy Clerk: Mara

Time Called: 2:07 p.m.
Time Concluded: 2:42 p.m.
Tape: 052021 Zoom Video

Appearances:

UNITED STATES OF AMERICA by: Daniel R. Humble
DARRIN S. MCELHATTON via video and by: Thomas E. Phillip
US PROBATION OFFICE by: Brian Koehler

☒ Defendant consents to appear and proceed by video conference. The Court makes findings to hold the hearing via video and specific findings to this case/defendant that further delay would seriously impair the interest of justice in this matter.

- | | |
|--|---|
| <input type="checkbox"/> The parties have no objections to the factual statements in the PSR | <input checked="" type="checkbox"/> The parties have no objections to the application of the guidelines in the PSR |
| <input checked="" type="checkbox"/> Objections/corrections to factual statements in PSR by <input type="checkbox"/> Plaintiff <input checked="" type="checkbox"/> Defendant
Mr. Phillip objects as to paragraph 83 of the PSR regarding an allegation of a contact offense in 2006 and requests that the court strike the paragraph. No objections from the government. | <input type="checkbox"/> Objections/corrections to application of guidelines by <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant |
| <input type="checkbox"/> The court adopts the factual statements and guideline application as set forth in the PSR | <input checked="" type="checkbox"/> The court adopts the factual statements and guideline application with these changes: The Court grants Mr. Phillip's objection/request and orders that paragraph 83 of the PSR is stricken. |

The Court GRANTS [20] Motion to Seal Sentencing Memorandum.

- | | |
|--|---|
| <input checked="" type="checkbox"/> The government presents sentencing argument: Joint recommendation of 180-month mm. | <input checked="" type="checkbox"/> The defendant presents sentencing argument: Joint recommendation of 180-month mm, to run concurrent to state sentence in Outagamie County Case 14-CF-156. |
| <input checked="" type="checkbox"/> Defendant exercises right of allocution. | <input checked="" type="checkbox"/> The court imposes sentence. |
| <input checked="" type="checkbox"/> The government dismisses count(s) 2. | <input checked="" type="checkbox"/> Defendant advised of appeal rights. |

SENTENCE IMPOSED:

Imprisonment: 168 months as to Count(s) 1
of the Indictment.

Imprisonment term for each count to be served ☐ concurrently ☐ consecutively.

TOTAL TERM OF IMPRISONMENT IMPOSED: months.

☒ This term of imprisonment is to be served (☒ concurrently with or ☐ consecutively to) any state court sentence the defendant is currently serving in Outagamie County Case No. 14CF156.

Probation: _____ as to Count(s) _____
of the _____

Supervised Release: Life as to Count(s) 1
of the Indictment.
_____ as to Count(s) _____
of the _____

MONETARY PENALTIES

Special Assessment: \$ 100.00 due immediately

Fine: \$ _____ ☒ fine waived

Restitution: \$ _____ ☐ determination deferred

JOINT AND SEVERAL PAYMENTS

- ☐ Fine and/or ☐ Restitution is **joint and several** with _____.
☐ Repayment of Buy Money is **joint and several** with _____.

FORFEITURE

- ☐ All property forfeited upon conviction or by order of the court shall be included in the criminal judgment.

RECOMMENDATIONS

- ☒ The court recommends the defendant's placement at a facility nearest to his home as possible.
☒ The court recommends the defendant's participation in the Bureau of Prisons' 500-hour drug treatment program.
☒ Other: The defendant participates in any sex offender treatment that may be provided.

CUSTODY

- ☒ The defendant is remanded to the custody of the U.S. Marshal Service.
☐ The defendant is to voluntarily surrender at the institution designated by the Bureau of Prisons as notified by the U.S. Probation Office; ☐ on or after _____.

CONDITIONS OF SUPERVISED RELEASE/PROBATION

- ☒ The defendant does not object to the conditions of supervised release as set forth in the presentence investigation report.
- ☒ The defendant waives reading of the conditions of supervised release.
- ☒ **Mandatory Conditions of Supervision** imposed.
- ☒ The Court adopts the **Standard Conditions of Supervision** set forth in the presentence investigation report without change.
- ☐ The Court adopts the **Standard Conditions of Supervision** set forth in the presentence investigation report with the following changes:
- ☒ The Court adopts the **Special Conditions of Supervision** set forth in the presentence investigation report without change.
- ☐ The Court adopts the **Special Conditions of Supervision** set forth in the presentence investigation report with the following changes: